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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,

No. CR-07-0645 MMC

12 Plaintiff,

13 v.

**ORDER GRANTING DEFENDANT'S
REQUEST FOR STATUS REPORT;
DENYING WITHOUT PREJUDICE
DEFENDANT'S REQUEST FOR
TRANSCRIPTS**

14 MICHAEL JOSEPH SILVA,

15 Defendant.
_____/

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17 The Court is in receipt of two letters, filed August 14, 2009 and August 17, 2009,
18 respectively, by defendant Michael Joseph Silva ("Silva"). In his August 14 letter, Silva
19 states he was improperly sentenced and requests undefined "documents," which the Court
20 construes as a reference to certain transcripts previously requested by Silva and mentioned
21 in an earlier portion of Silva's August 14 letter. (See Letter filed Aug. 14, 2009; Order filed
22 May 21, 2009, Docket No. 382 (denying without prejudice Silva's request for transcripts).)
23 In his August 17 letter, Silva requests a "'status report' on all pending motions." (See Letter
24 filed Aug. 17, 2009.) Having read and considered Silva's submissions, the Court rules as
25 follows.

26 1. To the extent Silva seeks a status report, Silva's request is hereby GRANTED,
27 and Silva is advised that no motions are currently pending in the above-titled action. In
28 particular, Silva's "Motion for Guilty Plea Withdrawal" was withdrawn at Silva's request (see

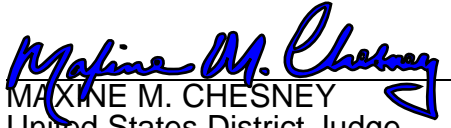
1 Order filed May 21, 2009, Docket No. 381), and Silva's "Motion for Docket Sheet, Guilty
2 Plea Colloquy, Sentencing Transcript with All Motions Filed with the Court" ("Motion for
3 Docket Sheet") was denied without prejudice as premature, in light of such withdrawal (see
4 Order filed May 21, 2009, Docket No. 382).

5 2. To the extent Silva seeks a transcript of any proceeding, Silva's request is
6 duplicative of Silva's Motion for Docket Sheet and, consequently, such request is hereby
7 DENIED without prejudice, in light of the absence of any pending motion, for the reasons
8 stated in the Court's May 21, 2009 Order on Silva's Motion for Docket Sheet. (See id.)

9 3. To the extent Silva seeks an alteration of his sentence, the Court has informed
10 Silva that the proper method for challenging a sentence is to file a motion under 28 U.S.C.
11 § 2255 (see Order filed April 9, 2009), and, consequently, the Court will not entertain any
12 such request in the form presented herein.

13 **IT IS SO ORDERED.**

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15 Dated: August 28, 2009


MAXINE M. CHESNEY
United States District Judge